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9 Ray C. Pitre)
0 Plaintiff,)
1 vs.)
2 BAC Home Loans Servicing LP;))
3 Mortgage Electronic Registration Systems,))
4 Inc.,)
5 Defendants.)

6 Pending before the Court is the motion)
7 as successor by merger to BAC Home Loans)
8 MERSCORP, Inc., and (3) Mortgage Electronic)
9 response to this motion to dismiss, Plaintiff)
10 leave to amend the complaint, and asked for)
11 Defendant then replied in support of its motion)
12 Thereafter, on September 19, 2011, Plaintiff)
13 suggested that this case be stayed. Doc. 18)
14 The automatic stay of the bankruptcy)
15 *Trigona v. Champion Federal Savings & Loan)
16*

17 ¹ Defendant moved to dismiss Plaintiff's motion)
18 to that motion, Plaintiff filed an amended)
19 motion to dismiss addresses the amended)

0 Plaintiff,
1 vs.
2 BAC Home Loans Servicing LP;
3 Mortgage Electronic Registration Systems,
4 Inc.,
5 Defendants.
6
7 Pending before the Court is the motion
8 as successor by merger to BAC Home Loans
9 MERSCORP, Inc., and (3) Mortgage Electronic
10 response to this motion to dismiss, Plaintiff
11 leave to amend the complaint, and asked for
12 Defendant then replied in support of its motion.
13 Thereafter, on September 19, 2011, Plaintiff
14 suggested that this case be stayed. Doc. 18.
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16 The automatic stay of the bankruptcy
17 *Trigona v. Champion Federal Savings & Loan Association*,
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1 *Hill*, 39 B.R. 894, 897 (Bkrcty. Or., 1984).² Accordingly this case is not stayed.

2 With respect to Plaintiff's request that this case be stayed for 120 days to allow
3 Plaintiff to hire an attorney, while Plaintiff may hire counsel if he chooses, the Court will not
4 stay a cause of action pending the hiring of counsel. Therefore, the request to stay the case
5 is denied.

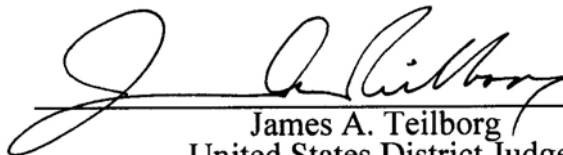
6 Based on the foregoing,

7 IT IS ORDERED that the suggestion of a stay based on filing bankruptcy (Doc. 18)
8 is denied.

9 IT IS FURTHER ORDERED that the motion to stay this case to hire counsel (Doc.
10 15) is also denied.

11 IT IS FINALLY ORDERED that the Court deems the motion to dismiss (Doc. 13) to
12 be fully briefed, and because no party requested oral argument, the motion is under
13 advisement.

14 DATED this 21st day of November, 2011.

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18 James A. Teilborg
United States District Judge

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27 ² But the cause of action is the property of the estate. *Turner v. Cooke*, 362 F.3d 1219, 1225-
28 26 (9th Cir. 2004); *Cusano v. Klien*, 264 F.3d 936, 945 (9th Cir. 2001).